

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: January 21-22, 2004

Reference No.: 2.2c.(2)
Action Item

From: ROBERT L. GARCIA
Chief Financial Officer

Prepared by: Gary R. Winters
Division Chief
Environmental Analysis

Ref: **APPROVAL OF PROJECT FOR FUTURE CONSIDERATION OF FUNDING,
03-BUT-70/149/99/191, KP VARIOUS (PM VARIOUS)
RESOLUTION NUMBER E-04-02**

ISSUE:

The attached resolution proposes to approve for future consideration of funding the following project for which a Final Environmental Impact Report has been completed:

- Upgrade State Route 149 to an expressway and construct freeway-to-freeway interchanges near Oroville.

The project is fully funded in the 2002 State Transportation Improvement Program (STIP) for a total cost of \$99,921,000. Construction is scheduled to begin in FY 2003-04.

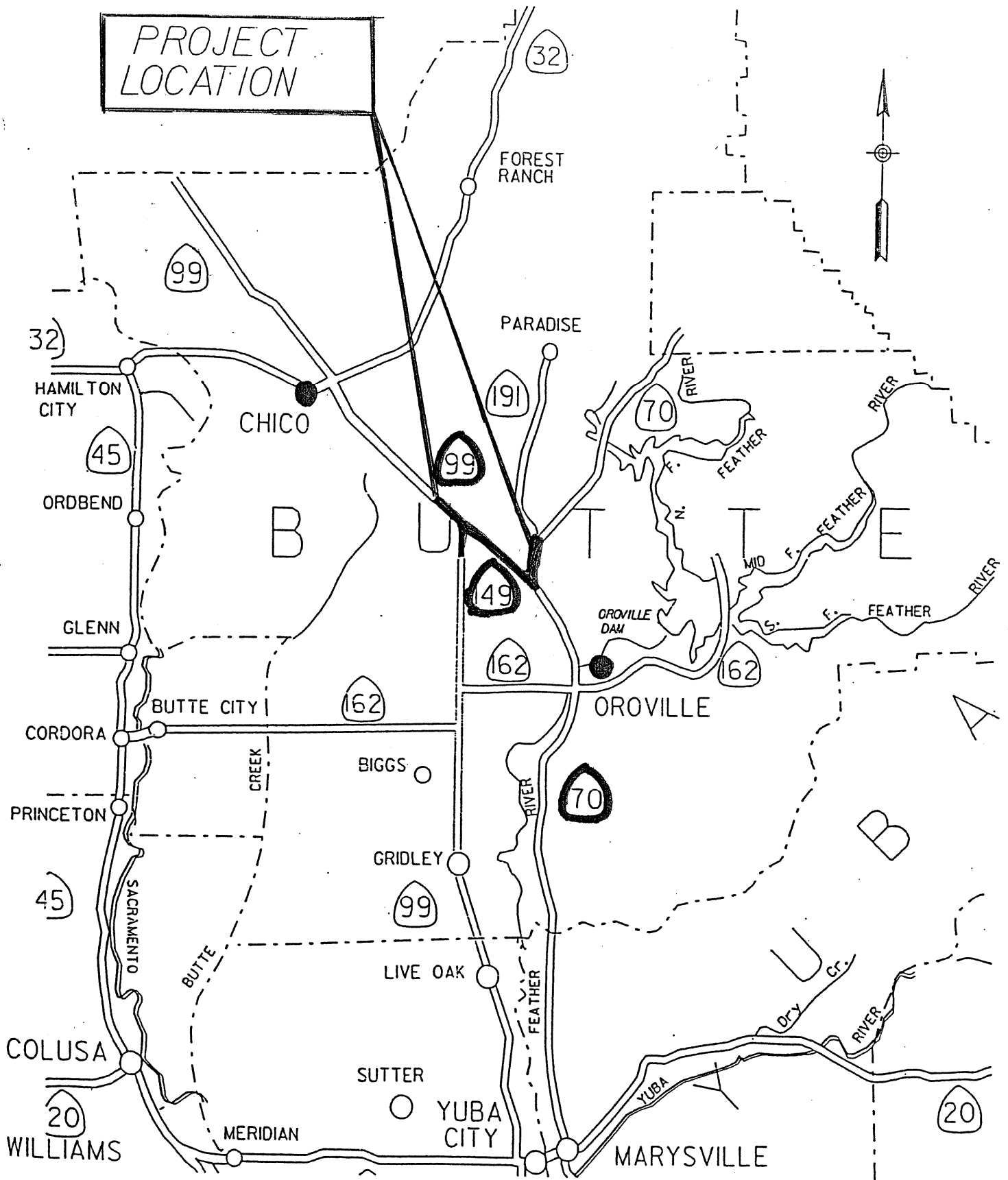
The Final Environmental Impact Report (FEIR) has been transmitted to California Transportation Commission staff.

The Department of Transportation (Department) has approved the project for construction. This approval and the resulting filing of the FEIR with the Office of Planning and Research will satisfy the environmental requirements for this stage of the project planning process.

RECOMMENDATION:

The Department recommends that the California Transportation Commission, as a responsible agency, approve the attached Resolution E-04-02.

Attachments



LOCATION MAP
03-BUT-70, 99, 149, 191

CALIFORNIA TRANSPORTATION COMMISSION

Resolution for Future Consideration of Funding 03-But-70/149/99/191, KP various (PM various)

Resolution E-04-02

- 1.1 WHEREAS**, the California Department of Transportation (Department) has completed a Final Environmental Impact Report in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the California Transportation Commission Environmental Regulations for the following project:

 - Routes 70, 149, 99 and 191 in Butte County – Upgrade State Route 149 to an expressway and construct freeway-to-freeway interchanges near Oroville.
- 1.2 WHEREAS**, the Department has certified that the Environmental Impact Report has been completed in compliance with CEQA and the State CEQA Guidelines for its implementation; and
- 1.3 WHEREAS**, the California Transportation Commission, as a responsible agency, has considered the information contained in the Environmental Impact Report; and
- 1.4 WHEREAS**, written Findings indicate that specific economic, legal, social, technological, or other considerations make it infeasible to avoid or fully mitigate to a level less than significant the effect associated with cumulative impacts to wetlands and protected species as a result of the project; and
- 1.5 WHEREAS**, the above significant effect is acceptable when balanced against the facts as set forth in the Statement of Overriding Considerations;
- 2.1 NOW, THEREFORE, BE IT RESOLVED** that the California Transportation Commission does hereby adopt those Findings and Statement of Overriding Considerations that support approval of this recommended project to allow for future consideration of funding.

CALIFORNIA DEPARTMENT OF TRANSPORTATION
STATEMENT OF OVERRIDING CONSIDERATIONS FOR
THE HIGHWAY IMPROVEMENT PROJECT ON
STATE ROUTES 70/140/99/191 IN BUTTE COUNTY

The following information is presented to comply with Section 15093 of the State CEQA Guidelines, and Section 1509.6 of the Department of Transportation and California Transportation Commission Environmental Regulations. Reference is made to the Final Environmental Impact Report (FEIR) for the project, which is the basic source for the information.

The following impacts have been identified as significant and not fully mitigable:

- Cumulative impacts to wetlands
- Cumulative impacts to vernal pool tadpole shrimp and fairy shrimp
- Cumulative indirect impacts to Butte County Meadowfoam

Overriding considerations that support approval of this recommended project are as follows:

The proposed upgrade to State Routes (SR) 70/149/99/191 in Butte County is needed to improve traffic safety and reduce congestion for local commuter and inter-regional traffic, and to provide a continuous four-lane inter-regional transportation system between Oroville and Chico. Currently, SR 149 is an undivided two-lane highway located between the four-lane SR 70 freeway to the south and the four-lane SR 99 expressway to the north. Vehicles entering SR 149 from these two facilities often encounter stopped traffic waiting for a break in through traffic to turn onto SR 149. The SR 70/149 intersection currently has accident rates well above the statewide average. The proposed project would substantially improve safety at this intersection, as well as at the SR 99/149 intersection and along the SR 149 roadway.

Route 149 is experiencing increasingly heavy commuter, recreational and commercial use due to rapid growth within the region. This two-lane facility limits capacity, as traffic must transition from the four-lane divided facilities of SR 70 and SR 99. Traffic projections indicate that SR 149 will not accommodate future demand, and the Level of Service (LOS) will drop to an unacceptable Level E by the year 2020. The proposed improvements would improve traffic flow by maintaining a LOS C or better through the year 2020.

Alternative 3 has been identified as the Least Environmentally Damaging Practicable Alternative (LEDPA)/preferred alternative as it would result in the fewest impacts to wetlands and special status species.

The California Department of Transportation (Caltrans) hereby finds that, for the reasons noted above, the economic, social and other benefits of the project outweigh the unavoidable contribution to cumulative effects identified in the findings.

CALIFORNIA DEPARTMENT OF TRANSPORTATION FINDINGS
FOR THE HIGHWAY IMPROVEMENT PROJECT ON
STATE ROUTES 70/140/99/191 IN BUTTE COUNTY

The following information is presented to comply with Section 15091 of the State CEQA Guidelines and Section 1509.6 of the Department of Transportation and California Transportation Commission Environmental Regulations. Reference is made to the Final Environmental Impact Report (FEIR) for the project, which is the basic source for the information.

The following effects have been identified in the EIR as resulting from the project. Effects found not to be significant have not been included.

- **Wetlands**

Adverse Environmental Effects:

Existing wetlands would be affected by the proposed project as a result of grading, excavation and placement of fill material. Wetlands within the project area consist of vernal pools and swales, freshwater marsh, mixed riparian, roadway drainages, and other wetlands. The project would also impact other jurisdictional non-wetland waters of the United States. These habitats are present in the drainages and channels that parallel or cross the SR 70/149/99 corridor. The majority of impacts to vernal pools and swales and freshwater marsh would occur along SR 149 between Cottonwood Creek and Shippee Road. A total of 8.95 ha (22.12 ac) of wetlands and other waters of the U.S. would be impacted by the proposed project.

Findings:

Changes or alterations have been required in, or incorporated into the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Statement of Facts:

Alternative 3, identified as the Least Environmentally Damaging Practicable Alternative (LEDPA)/preferred alternative, would result in the least impact to wetlands. Mitigation in the form of creation, restoration and replacement of habitat as outlined in the final EIR and U.S. Army Corps of Engineers Section 404 permit would reduce project impacts to wetlands and other waters of the U.S. to a less than significant level, and ensure “no net loss” of wetlands.

- **Protected Species**

Adverse Environmental Effects:

The proposed project would result in a total of 18.75 ha (46.33 ac) direct and indirect impacts to vernal pool tadpole shrimp (Federal endangered) and vernal pool fairy shrimp (Federal threatened) habitat, and 0.21 ha (0.53 ac) indirect impact to Butte County Meadowfoam ("BCM," State and Federal endangered). Impacts would result from grading, excavation, and placement of fill material in vernal pools and swales and other drainages.

Findings:

Changes or alterations have been required in, or incorporated into the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Statement of Facts:

Alternative 3, identified as the LEDPA/preferred alternative, would result in the least impact to vernal pool species habitat, and no direct impact to BCM. Mitigation in the form of preservation and creation of habitat (vernal pool species), and contribution to a multi-agency preservation fund (BCM) as outlined in the U.S. Fish & Wildlife Service Biological Opinion and the final EIR would reduce impacts to these species to a less than significant level.

- **Cumulative impacts**

Adverse Environmental Effects:

The proposed project would impact wetlands, vernal pool tadpole shrimp, vernal pool fairy shrimp, and Butte County Meadowfoam (indirect impacts). The proposed project could contribute to cumulative losses of these resources.

Findings:

Changes or alterations have been required in, or incorporated into the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Statement of Facts:

Alternative 3, identified as the LEDPA/preferred alternative, would have the fewest impacts to vernal pool shrimp species and wetlands, and would avoid direct impacts to BCM. Mitigation outlined in the final EIR, U.S. Fish & Wildlife Service Biological Opinion, and U.S. Army Corps of Engineers Section 404 permit would substantially reduce impacts to these resources. In addition, Butte County is preparing a Habitat Conservation Plan to address cumulative impacts resulting from this and other projects in the County.